

5576. Adulteration and misbranding of hydrogen peroxid. U. S. * * *
v. The Arthur Chemical Co., a corporation. Plea of nolo con-
tendere. Fine, \$10 and costs. (F. & D. No. 8068. I. S. Nos. 3890-1,
21150-1.)

At the February, 1917, term of the District Court of the United States for the District of Connecticut, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against The Arthur Chemical Co., a corporation, New Haven, Conn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 15, 1916, and May 29, 1916, from the State of Connecticut into the States of Washington and Massachusetts, respectively, of quantities of an article labeled in part, "Hydrogen Peroxide," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed, respectively, the following results:

	No. 1.	No. 2.
Hydrogen peroxid ($H_2 O_2$) (per cent).....	2.58	2.61
Available oxygen (volumes).....	8.49	8.59
Free acids (c c N/10 acid per 25 c c).....	4.1	5.5
Total solids (gram per 20 c c)		0.04

Adulteration of the article in each shipment was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, hydrogen peroxid, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of the investigation of the said article, in that it contained 2.58 per cent (or 2.61 per cent) by weight of hydrogen peroxid, equivalent to 8.49 volumes (or 8.7 [8.59] volumes) of available oxygen; and that in one shipment the article contained 0.04 gram total solids; that in both shipments 25 cubic centimeters of the article contained free acids equivalent to 4.1 cubic centimeters (or 5.5 cubic centimeters) tenth normal acid; whereas said Pharmacopœia provides that it should contain about [not less than] 3 per cent by weight of absolute hydrogen peroxid, corresponding to about [not less than] 10 volumes of available oxygen; that the total solids of the article should not exceed 0.03 gram; and that 25 cubic centimeters of the article should contain free acids equivalent to not more than 2.5 cubic centimeters tenth normal acid; and its own standard of strength, quality, and purity was not plainly stated on the container thereof.

Misbranding was alleged for the reason that the statements borne on the labels regarding the article and the ingredients and substances contained therein, to wit, "Hydrogen Peroxide 10 Vol. 3% H_2O_2 * * *. This Hydrogen Peroxide is guaranteed to be of U. S. P. strength and purity when shipped," was false and misleading in that it represented that said article was hydrogen peroxid which contained 3 per cent by weight of absolute hydrogen peroxid, equivalent to 10 volumes of available oxygen, and that it conformed to the tests laid down in the said Pharmacopœia, whereas, in truth and in fact, it was not hydrogen peroxid which contained 3 per cent by weight of absolute hydrogen peroxid, equivalent to 10 volumes of available oxygen, and it did not conform to the tests laid down in said Pharmacopœia in that it contained 2.58 per cent (or 2.61 per cent) by weight of hydrogen peroxid, equivalent to 8.49 volumes (or 8.7 [8.59] volumes) of available oxygen, and in that 25 cubic

centimeters of the article contained free acids equivalent to 4.1 cubic centimeters tenth normal acid (or in that said article contained 0.04 gram total solids and that 25 cubic centimeters contained free acids equivalent to 5.5 cubic centimeters tenth normal acid), whereas said Pharmacopœia provides that the product should contain about 3 per cent by weight of absolute hydrogen peroxid corresponding to about 10 volumes of available oxygen; that the total solids [in 20 cubic centimeters] of said article should not exceed 0.03 gram, and that 25 cubic centimeters of the article should contain free acids equivalent to not more than 2.5 cubic centimeters tenth normal acid.

On June 7, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*